

REMARKS

Claims 1-20 are pending in the present application.

Claims 2 and 5-6 have been amended herein (claim 1 and 5 were amended in the response filed on September 12, 2008); claims 11-20 have been added.

Claim 8 is allowed.

Claims 2-3 and 6-7 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claim 2 has been so amended. Claims 3 and 6-7 depend from claim 2. According, claims 2-3 and 6-7 are believed to be in condition for allowance.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1, 5 and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 1,347,179 to *Schnitzspahn*. This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at pp. 2100-66 to 2100-67 (8th ed. rev. 7 July 2008).

The Office Action suggests claiming two vertical positions of the funnel, one in which the funnel can slide relative to the receptacles and another, lower position in which the funnel is positively engaged with a receptacle and therefore constrained from sliding relative to the

receptacles. Applicants thank the Examiner for this suggestion, and have amended Claim 1 in the manner suggested. Claim 1 recites a funnel capable of being disposed in an upper vertical position and a lower vertical position, wherein the upper vertical position allows the funnel to slide horizontally along the series of tubular receptacles, and the lower vertical position restricts the funnel from sliding along the series of tubular receptacles. As the Examiner acknowledges, such a feature is not found in *Schnitzspahn*.

Therefore, the rejection of claims 1, 5 and 10 under 35 U.S.C. § 102 has been overcome.

35 U.S.C. § 103 (Obviousness)

Claim 4 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schnitzspahn* in view of U.S. Patent Application Publication No. 2004/0102148 to *Perkitny*. Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schnitzspahn* in view of U.S. Patent Application Publication No. 2002/0043958 to *Yamaguchi et al.* These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008);

MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Independent claim 1, from which claims 4 and 9 depend, recites a funnel capable of being disposed in an upper vertical position and a lower vertical position, wherein the upper vertical position allows the funnel to slide horizontally along the series of tubular receptacles, and the lower vertical position restricts the funnel from sliding along the series of tubular receptacles. Such a feature is not found in the cited references.

Therefore, the rejection of claims 4 and 9 under 35 U.S.C. § 103 has been overcome.

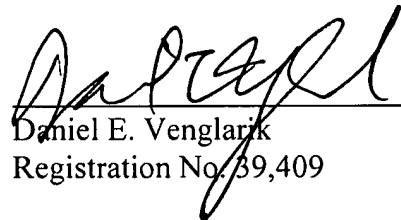
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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